

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MISC15 0242

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In re Omnibus Motion to Unseal Dockets
and Records of Judicial Proceedings, etc.

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GLASSER, United States District Judge:

GLASSER, J.

FILED
CLERK
2015 FEB 10 PM 4:14
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

A motion to unseal records in five listed cases was sent directly to Chambers via facsimile. The Court was not mindful that it was not filed with the Clerk of Court, did not mark the absence of a docket number assigned to it, but merely assumed, erroneously, that it was properly before me for consideration. Of the five listed cases, only one was brought in this Court and decided by me approximately 13 years ago. A scheduling order, referencing the name and docket number of that case, 02 CR 1313, was issued directing the appropriate parties to respond. I then instructed that the motion and the Order be docketed and they were entered as documents numbered 15 and 16 in 02 CR 1313.

The realization struck me soon thereafter that the motion had not been filed with the Clerk of Court, did not receive a civil docket number,, and was not randomly assigned to me as mandated by 50.2(a) and 50.2(b) Guidelines For the Division of Business Among District Judges, (The Guidelines). Adopted pursuant to 28 U.S.C. § 137.

The Court's proper exercise of authority over the matter was erroneously assumed and was in clear violation of the Guidelines for the internal management of the Court's caseload.


Accordingly, the Order issued by this Court dated February 9, 2015 and entered as docket number 16 in 02 CR 1313 is, on my own motion pursuant to Rule 60(b)(1) Fed. R. Civ. P., vacated. See Fort Knox Music, Inc. v. Philip Baptiste, 257 F.3d 108, 110-111

(2d Cir. 2001); Judson Atkinson Candies, Inc. v. Latini-Hohberger Dhimantec, et al., 529 F.3d 371, 385 (7th Cir. 2008); American Blind and Wallpaper Factory, Inc. v. 3 Day Blinds, Inc., 2006 WL 3257237*1 (E.D. Mich. 2006).

The movant may file his motion with the Court following the instructions regarding Electronic Case Filing published on the website of the Court and pay the necessary fees, serve the necessary parties, and the Clerk of Court is directed to assign a new civil docket number to the motion; delete the numbered 15 and 16 entries from docket number 02 CR 1313 and assign the motion randomly to a judge of the Court as mandated by the Guidelines.

SO ORDERED.

Dated: Brooklyn, New York
February 10, 2015



I. Leo Glasser